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The situation in the Middle East

Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Letter dated 19 June 2000 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

Upon instructions, I wish to draw your attention to comments made recently by a high-ranking Israeli official, threatening the use of extreme force against the Palestinian people. The comments made, which have been attributed to Israel's army chief of staff, Shaul Mofaz, are reflective of a recent pattern of threats being made by Israeli officials, including high-ranking military officers.

Addressing Israeli soldiers in the Gaza Strip, Mr. Mofaz, referring to the potential for unrest and violent protests in the Palestinian territories in the future should a peace settlement remain elusive, stated the following: "The open fire instructions are clear. And if we need tanks, tanks will come. And if we need combat helicopters, combat helicopters will come." This statement was confirmed by the army and, moreover, was considered at an Israeli security cabinet meeting on 18 June 2000, resulting in something akin to endorsement of that statement.

Undoubtedly, such statements are not only inconsistent with the peace process, but also serve to increase tension between the Palestinian and Israeli peoples. The Israeli side has engaged in repeated threats of force and violence against the Palestinian people in response to their protestations in defence of their legitimate and inalienable rights. Such threats of extreme force cannot be taken lightly, as the fragile and tense situation in the area could quickly destabilize and words could be quickly translated into action. Moreover, international law prohibits the threat or the use of such force. As such, the Palestinian leadership views such comments and threats with the utmost seriousness.

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These recent comments come in addition to the ongoing Israeli refusal to comply with existing agreements, including the Sharm El-Sheikh Memorandum of 4 September 1999, which gives priority to permanent status negotiations and commits the parties to reaching a final and comprehensive agreement by September 2000. It is regrettable that, due to such Israeli actions and comments, both the situation on the ground and the peace process have deteriorated, with peace process negotiations in specific being held in an increasingly difficult and negative setting.

Clearly Israeli words and actions have prevented real progress in the peace process and contributed to the crisis atmosphere that is rapidly evolving in the Occupied Palestinian Territory, including Jerusalem. While the Palestinian side remains committed to the peace process and to resolving outstanding differences with the Israeli side at the negotiating table, the Palestinian leadership cannot accept that such threats are directed against its people. The international community as well should not accept such threats of force, and should exert all efforts to promote adherence to international law and norms and to promote a peaceful settlement between the two sides.

I would be grateful if you would arrange to have the text of this letter distributed as an official document of the General Assembly, under agenda items 43, 44 and 89, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

United Nations S/2000/601

Security Council

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Letter dated 19 June 2000 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the Agreement on Cessation of Hostilities, signed in Algiers on 18 June 2000, between the Federal Republic of Ethiopia and the State of Eritrea (see annex).

I should be grateful if you would have the present letter and its annex distributed to the members of the Security Council and issued as a document of the Council.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

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Annex to the letter dated 19 June 2000 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

[Original: English and French]

Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea

The Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, having taken part in the proximity talks called by the Organization of African Unity (OAU) in Algiers from 29 May to 10 June 2000, under the Chairmanship of Algeria, the current Chair of OAU, and with the participation of its partners, namely, the United States of America and the European Union,

Committing themselves to the following principles:

- Resolution of the present crisis and any other dispute between them through peaceful and legal means in accordance with the principles enshrined in the Charters of OAU and the United Nations;
- Rejection of the use of force as a means of imposing solutions to disputes;
- Respect for the borders existing at independence, as stated in resolution AHG/Res.16 (1) adopted by the OAU Summit in Cairo in 1964 and, in this regard, determining them on the basis of pertinent colonial treaties and applicable international law, making use, to that end, of technical means to demarcate the borders and, in case of controversy, resorting to the appropriate mechanism of arbitration;

Reaffirming their acceptance of the OAU Framework Agreement and the modalities for its implementation, which were endorsed by the thirty-fifth ordinary session of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999,

Taking into account the latest developments in this crisis,

Commit themselves to the following:

1. Immediate cessation of hostilities starting from the signature of this document. In particular, the two Parties agree to the following:

1.1 Cessation of all armed air and land attacks;

1.2 Guarantee of the free movement and access of the Peacekeeping Mission and its supplies as required through the territories of the Parties;

1.3 Respect and protection of the members of the Peacekeeping Mission, its installations and equipment.

2. A Peacekeeping Mission shall be deployed by the United Nations under the auspices of OAU.

3. The mandate of the Peacekeeping Mission shall be:

3.1 To monitor the cessation of hostilities;

3.2 To monitor the redeployment of Ethiopian troops;

3.3 To ensure the observance of the security commitments agreed by the two Parties in this document, in particular those provided for in paragraph 14;

3.4 To monitor the temporary security zone provided for in paragraph 12 of this document.

4. The size and the composition of the Peacekeeping Mission shall be adapted to the mission assigned to it and shall be determined by the Secretaries-General of the United Nations and OAU, with the acceptance of the two Parties.

5. The mandate of the Peacekeeping Mission shall terminate when the delimitation-demarcation process of the border has been completed.

6. A Military Coordination Commission shall be established by OAU and the United Nations with the agreement of the two Parties in order to facilitate the functions of the Peacekeeping Mission. It shall be composed of representatives of the two Parties and chaired by the leader of the Peacekeeping Mission.

7. The mandate of the Military Coordination Commission shall be to coordinate and resolve issues relating to the implementation of the mandate of the Peacekeeping Mission as defined in the present document. The Commission shall deal with military issues arising during the implementation period.

8. Upon the signing of the present document, both Parties shall conduct demining activities as soon as possible with a view to creating the conditions necessary for the deployment of the Peacekeeping Mission, the return of civilian administration and the return of the population as well as the delimitation and demarcation of their common border. The Peacekeeping Mission, in conjunction with the United Nations Mine Action Service, shall assist the Parties' demining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional demining assistance from the Peacekeeping Mission.

9. Ethiopia shall submit redeployment plans for its troops from positions taken after 6 February 1999, and which were not under Ethiopian administration before 6 May 1998, to the Peacekeeping Mission. This redeployment shall be completed within two weeks after the deployment of the Peacekeeping Mission and verified by it.

10. In accordance with the principle established in paragraph 3 of the Framework Agreement, it is understood that the redeployment of Ethiopian forces will not prejudge the final status of the contested areas, which shall be determined at the end of the delimitation and demarcation of the border and, if need be, through an appropriate mechanism of arbitration.

11. Upon verification of Ethiopian redeployment by the Peacekeeping Mission, Eritrean civilian administration, including police and local militia, shall be restored to prepare for the return of the population.

12. In order to contribute to the reduction of tension and to the establishment of a climate of calm and confidence, as well as to create conditions conducive to a comprehensive and lasting settlement of the conflict through the delimitation and

demarcation of the border, the Eritrean forces shall remain at a distance of 25 km (artillery range) from positions to which Ethiopian forces shall redeploy in accordance with paragraph 9 of this document. This zone of separation shall be referred to in this document as the "temporary security zone".

13. The Eritrean forces at positions defined in paragraph 12 of this document, as well as Ethiopian forces at positions defined in paragraph 9 of this document, shall be monitored by the Peacekeeping Mission.

14. Ethiopia commits itself not to move its troops beyond the positions it administered before 6 May 1998. Eritrea commits itself not to move its troops beyond the positions defined in paragraph 12 above. OAU and the United Nations commit themselves to guarantee the respect for this commitment of the two Parties until the determination of the common border on the basis of pertinent colonial treaties and applicable international law, through delimitation/demarcation and, in case of controversy, through the appropriate mechanism of arbitration. This guarantee shall be comprised of:

(a) Measures to be taken by the international community should one or both of the Parties violate this commitment, including appropriate measures to be taken under Chapter VII of the Charter of the United Nations by the United Nations Security Council;

(b) Actions by the Peacekeeping Mission to monitor key and sensitive areas of the temporary security zone through liaison officers at the division and regimental levels, with Ethiopian and Eritrean units deployed at key points along the temporary security zone on their respective sides; regular patrols; reconnaissance missions; and challenge inspections throughout the temporary security zone coordinated through the Military Coordination Commission, with the participation of liaison officers of the Parties as decided by the Chairman of the Military Coordination Commission;

(c) Deployment to and continuous monitoring by military units of the Peacekeeping Mission at posts in key and sensitive positions within the temporary security zone in order to monitor the implementation of the commitments made by both Parties in paragraphs 9 and 12 of this document;

(d) Periodic technical verification of the temporary security zone to help determine compliance with this document.

15. Upon the signature of the present document, the two Parties shall initiate separate requests to the Secretaries-General of OAU and the United Nations, as necessary, for assistance in implementing this document.

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Letter dated 16 June 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Following the letter of the Permanent Representative of the Republic of Croatia to the United Nations (S/2000/289) addressed to the President of the Security Council on 5 April 2000, I have been instructed by my Government to advise of its positions regarding the disputed issue of Prevlaka.

By Article 4 of the agreement on normalization of relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 26 August 1996, the contracting parties undertook to respect, pending a mutual agreement on Prevlaka, the existing regime of security established through United Nations monitoring. The two sides accepted the rule of *uti possidetis*. However, there emerged certain differences with respect to the application of the rule, manifested in a different perception of the two sides of the extension of the border in the disputed area of Prevlaka. The Croatian side invokes geographic maps as the sole piece of evidence. the Yugoslav side invokes federal laws of the federal State of the Socialist Federal Republic of Yugoslavia and republican laws which delineated the exercise of authority in the disputed area.

The contentions of the Permanent Representative of Croatia in his letter that Croatian fishermen "have always fished in Boka Kotorska Bay", that "during the time of the former Socialist Federal Republic of Yugoslavia ... a part of Boka Kotorska Bay was under jurisdiction of the Port Authority of Dubrovnik, Cavtat Port Office" and that "landowners have cultivated their land" at Prevlaka are simply not true. Croatian fishermen did not fish in Boka Kotorska Bay, and if any did they did so only with the approval of the competent authorities of Montenegro and under the control of those authorities. The Port Authority of Dubrovnik, Cavtat Port Office, never exercised jurisdiction over any part of Boka Kotorska Bay or landowner-cultivated land in the disputed area, the Blue Zone, as military facilities have been there since the middle of the nineteenth century and there is no arable land on the Prevlaka peninsula.

In the letter of 8 June 2000 addressed to Dr. Hrvoje Kacic, head of the Delegation for a Lasting Solution of the Security Issue of Prevlaka, from Dr. Rodoljub Etinski, head of the Delegation of the Federal Republic of Yugoslavia on Negotiations with the Delegation of the Republic of Croatia on the Establishment of the Extension of the State Border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the Solution of the Disputed Issue of

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Prevlaka, which is enclosed herewith (see annex), Dr. Etinski proposed that the negotiations be resumed with the following agenda: the manner of establishing the border considering the application of the rule of *uti possidetis*.

In bringing the facts relative to the disputed issue of Prevlaka to your attention, I take the opportunity to advise also of some flagrant and long-lasting violations of the security regime in the Blue Zone by the Republic of Croatia. These violations also run counter to good faith in negotiations and depart from the principle that parties in dispute should refrain from acts that deepen and expand the dispute.

Presence in the Blue Zone of persons in uniforms and civilian clothes and movement of vehicles of the Ministry of the Interior and the Army of the Republic of Croatia have been noticed on the route Vitaljina — bunkers at Glavica and Tankom checkpoint — Molunat and vice versa (84 civilian and 106 military and police vehicles in January; 190 civilian and 125 military and police vehicles in February; 120 civilian and 102 military and police vehicles in March; and 90 civilian and 84 military and police vehicles in April; 72 of these vehicles belong to the Army of the Republic of Croatia). Croatian Telecommunications has recently installed a public telephone booth at the Cape Kobila checkpoint. The Yugoslav side demands that this booth be removed and that the Cape Kobila border crossing be closed down until a solution of the disputed issue of Prevlaka is found by the two sides through bilateral negotiations. The Republic of Croatia is expected to refrain from such acts in the future and to restore the situation that had been agreed in 1992 by the arrival of the United Nations Mission of Observers in Prevlaka (UNMOP).

The Federal Republic of Yugoslavia expects UNMOP to abide by its mandate in an unchanged form as cited in a number of reports of the Secretary-General in which it is noted that the zone under the control of the United Nations (the so-called Blue Zone) is under exclusive United Nations jurisdiction pending an agreement by the two sides on the area. In its most recent resolution 1285 (2000) of 13 January 2000, the Security Council calls for a stop to the violations of the regime of demilitarization in the zone under the protection of the United Nations, while in his reports the Secretary-General describes the presence of civilians in the Blue Zone as a violation of the agreed security regime. Accordingly, the Federal Republic of Yugoslavia calls for a strict implementation of the decisions and positions of the Security Council and the Secretary-General of the United Nations.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.

Annex to the letter dated 16 June 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Federal Republic of Yugoslavia

Federal Government

Delegation of the Federal Republic of Yugoslavia on Negotiations with the Delegation of the Republic of Croatia on the Establishment of the Extension of the State Border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the Solution of the Disputed Issue of Prevlaka

No. 13-1/2000

Belgrade, 8 June 2000

Government of the Republic of Croatia

State Commission for Border

Prof. Dr. Hrvoje Kacic, President of the Delegation for a Lasting Solution of the Security Issue of Prevlaka

Esteemed Dr. Kacic,

I thank you for your letter of 10 April 2000. It is with approval that we received your confirmation that the next meeting of the delegations would be held in the Republic of Croatia and that we should agree on the date of the meeting through diplomatic channels.

As to your call that our side do not question the validity of the signatures of the then President of the Federal Government, Mr. Milan Panic, and the then Head of the General Staff of the Army of Yugoslavia, General Zivota Panic, on a copy of the map from 1992, in order to avoid an unnecessary misunderstanding, I reiterate the part from my last letter which reads: "I propose ... that we continue negotiations [on the fifth meeting] according to an agenda to be mutually agreed and which can include the presentation of our positions on the arguments on which you base your perception of the extension of the State border, ergo, including also the question of the map of 1992, with the signatures of Milan Panic, the then President of the Federal Government, and of General Zivota Panic, the then Head of the General Staff of the Army of Yugoslavia, as well as the question of the authenticity of those signatures and including also the presentation of your positions on the arguments on which the Yugoslav side bases its perception on the extension of the State border in the area of Prevlaka." (S/2000/268)

As to your remark that the representatives of Montenegro were left out of the second, third and fourth meeting and your request that such a situation be not repeated, I would like to inform you that on the question of negotiations between the Federal Republic of Yugoslavia and the Republic of Croatia and under the Constitution of the Federal Republic of Yugoslavia, the Federal Government conducts foreign policy, which certainly includes the determination of the composition of the delegation for the negotiations, and accordingly the Yugoslav delegation will possess the necessary full powers of the Federal Government.

As an agenda for the forthcoming meeting, I propose:

1. Manner of the establishment of the border considering the application of the rule *uti possidetis*;

2. Miscellaneous.

Please accept, Mr. Kacic, the assurances of my highest consideration.

(*Signed*) Dr. Rodoljub **Etinski**
Ambassador
President of Delegation